Remarks

Claims 1-14 were pending in the application. All the pending claims were rejected for the various reasons described in the Office Action and summarized below. The specification has been amended to provide a missing application number. Claims 1 and 6 have been amended and claims 15-34 have been added to more clearly define the invention.

The Examiner rejected under 35 USC 102(b) claims 1-9, 12 and 14 as being anticipated by *Tsuria (U.S. Patent No. 5,786,845)*. The Examiner rejected under 35 USC 103(a) claims 10, 11 and 13 as being unpatentable over *Tsuria* in view of *Zigmond et al. (U.S. Patent No. 6,698,020)*.

Independent claim 1 is directed to an apparatus, used in a digital television environment, for inserting local signals during a delay period associated with changing a channel from a viewing stream to a requested stream. The apparatus includes a memory that stores local signals and a processor that recognizes a delay period associated with a channel change command. A signal insertion module retrieves the stored local signals and inserts a local signal in the delay period at a predetermined point to provide a seamless transition from the viewing stream to the requested stream including the local signal. Insertion of the delay local signal at a predetermined point provides a satisfactory and aesthetically pleasing transition to the local content (see p. 12, lines 9-21 of the specification).

It is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 1. For example, none of the cited references, whether taken alone or in combination with one another, disclose or suggest a signal insertion module for inserting the local signal in the delay period at a predetermined point to provide a seamless transition from the viewing stream to the requested stream including the local signal.

Rather, *Tsuria* discloses an apparatus for inserting a local signal in a delay period (referred to as zapping time) that occurs when a subscriber changes a channel. In one embodiment, the local signals are advertisements associated with particular channels, either the previously selected channel or the newly selected channel (see col. 3, line 60, to col. 4, line 10). In another embodiment, the local signal is a default advertisement that is displayed each time the subscriber changes the channel. However, *Tsuria* is silent as to how the local signal is inserted

or to a specific time at which the local signal is inserted. In fact, in the embodiment where the displayed advertisement is associated with a particular channel, there is no need to insert the advertisement because the advertisement has already been received by the subscriber's equipment. Furthermore, *Tsuria* fails to disclose or suggest that providing a smooth transition to the local signal is desirable or difficult to achieve. Thus, *Tsuria* fails to disclose or suggest a signal insertion module that retrieves a local signal and inserts the local signal in the delay period at a predetermined point to provide a seamless transition from the viewing stream to the requested stream including the local signal.

Zigmond et al. discloses a system and method for inserting local signals (advertisements) into a program stream and is provided by the Examiner to teach using an HTML page to generate a local signal. However, *Zigmond et al.* fails to alleviate the deficiencies of *Tsuria*, mainly inserting a local signal at a predetermined point during the delay caused by changing channels. *Zigmond et al.* discloses that generic or national advertisements are substituted with targeted advertisements and that a targeted advertisement is inserted after detection of a "triggering event" (see col. 8, lines 39-54). A triggering event is a pattern in the video programming feed such as "a very brief black screen immediately preceding the onset of a series of advertisements." In fact, *Zigmond et al.* does not need to insert the local signal at predetermined in order to maintain an aesthetically pleasing transition (see p. 12, lines 9-21 of the specification) because the local signal is inserted after a very brief black screen. Furthermore, *Zigmond et al.* does not disclose or suggest inserting a local signal during the delay period associated with a channel change command. Thus, *Zigmond et al.* fails to disclose or suggest a signal insertion module that retrieves a local signal and inserts the local signal in the delay period at a predetermined point to provide a seamless transition from a viewing stream to a requested stream including the local signal.

Moreover, even assuming arguendo that the Examiner could somehow construe *Zigmond et al.* to discloses a signal insertion module for inserting a local signal in a channel change delay period, wherein the local signal is inserted at a predetermined point (without acknowledging or conceding such), there is no motivation or suggestion to combine the advertisement insertion techniques of *Zigmond et al.* in the device of *Tsuria*. *Zigmond et al.* is directed to an advertisement substitution technique in which targeted advertisements are inserted in the place of

non-targeted advertisements. *Tsuria* is directed to a device for inserting content (such as an advertisement) during the delay caused by a subscriber changing channels. It is unclear as to how the teachings of *Zigmond et al.* would benefit *Tsuria* or how the signal insertion module of *Zigmond et al.* could be used by *Tsuria* without destroying the signal insertion module already present in *Tsuria*.

For at least the reasons addressed above, it is submitted that independent claim 1 is clearly patentable over the cited references. Claims 2-5, 15 and 16 depend from independent claim 1. It is submitted that claims 2-5, 15 and 16 are clearly patentable over the cited references for the reasons addressed above with respect to claim 1 and for the further features recited therein. Furthermore, in paragraph four of the Office Action, the Examiner takes Official Notice with regards to several claim limitations. However, the Examiner provides no evidence that the elements are known in the prior art for the claimed combination nor provides sufficient motivation for providing the claimed elements. Therefore, the Applicant respectfully requests the withdrawal of these rejections.

Independent claim 6 is directed to a method used in a digital television environment for inserting a local signal during a delay period associated with the execution of a channel change command from a viewing stream to a requested stream. The method includes recognizing the delay period associated with the execution of a channel change command from the viewing stream to the requested stream and transmitting a request for a local signal. The local signal is received and inserted during the delay period at a predetermined point to provide a seamless transition from the viewing stream to the requested stream including the local signal.

As discussed above with respect to claim 1, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 6. For example, none of the cited references, either taken alone or in combination with one another, disclose or suggest inserting the local signal during the delay period at a predetermined point to provide a seamless transition from the viewing stream to the requested stream including the local signal.

For at least the reasons addressed above, it is submitted that independent claim 6 is clearly patentable over the cited references. Claims 7-14, 17 and 18 depend from independent

claim 6. It is submitted that claims 7-14, 17 and 18 are clearly patentable over the cited references for the reasons addressed above with respect to claim 6 and for the further features recited therein. Furthermore, in paragraph four of the Office Action, the Examiner takes Official Notice with regards to several claim limitations. However, the Examiner provides no evidence that the elements are known in the prior art for the claimed combination nor provides sufficient motivation for providing the claimed elements. Therefore, the Applicant respectfully requests the withdrawal of these rejections.

Independent claim 19 is directed to an apparatus, used in a digital television environment, for inserting local signals during a delay period associated with changing a channel. The apparatus includes a memory that stores local signals and a processor that recognizes an inherent delay period associated with a channel change command. A signal insertion module retrieves the local signal and creates a second delay period for inserting the local signal in the second delay period. The second delay period is longer than the inherent delay period which allows for additional advertisement opportunities without annoying the viewer (see p. 8, lines 19-31 of the specification).

It is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 19. For example, none of the cited references, whether taken alone or in combination with one another, disclose or suggest a signal insertion module for creating a second delay period and inserting the local signal in the second delay period, wherein the second delay period is longer than the inherent delay period.

Rather, *Tsuria* discloses an apparatus for inserting a local signal in a delay period (referred to as zapping time) that occurs when a subscriber changes a channel. The "zapping time" is the time it takes to acquire sufficient data to display the channel on the television (see col. 1, lines 16-24). The local signals (or separate advertisements) are displayed "only between the times a subscriber changes his selection from a previously selected channel which he is currently viewing and the time the next selected channel is displayed on television" (see col. 3, line 64 to col. 4, line 6). Furthermore, as detailed in claim 1, a channel changing interval has a beginning, an end, and a variable length. The local signal (the interval message) is displayed after the beginning of the interval and ceases at the end of the interval. Thus, *Tsuria* fails to disclose

or suggest a signal insertion module that retrieves a local signal and creates a second delay period for insertion of the local signal, wherein the second delay period is longer than the inherent delay period associated with a channel change command.

Zigmond et al. disclose a system and method for inserting local signals (advertisements) into a program stream and is provided by the Examiner to teach using an HTML page to generate a local signal. However, *Zigmond et al.* fails to alleviate the deficiencies of *Tsuria*, mainly inserting a local signal during a second delay period, wherein the second delay period is longer than the delay period caused by changing channels. *Zigmond et al.* discloses that generic or national advertisements are substituted with targeted advertisements and that a targeted advertisement is inserted after detection of a "triggering event" (see col. 8, lines 39-54). A triggering event is a pattern in the video programming feed such as "a very brief black screen immediately preceding the onset of a series of advertisements". In fact, *Zigmond et al.* does not disclose or suggest inserting a local signal during a delay period caused by execution of a channel change. Thus, *Zigmond et al.* fails to disclose or suggest a signal insertion module that retrieves a local signal and creates a second delay period for inserting the local signal in the second delay period, wherein the second delay period is longer than the inherent delay period associated with executing a channel change command.

Moreover, even assuming arguendo that the Examiner could somehow construe *Zigmond et al.* to discloses a signal insertion module for inserting a local signal in a second delay period, (without acknowledging or conceding such), there is no motivation or suggestion to combine the advertisement insertion techniques of *Zigmond et al.* in the device of *Tsuria*. *Zigmond et al.* is directed to an advertisement substitution technique in which targeted advertisements are inserted in the place of non-targeted advertisements. *Tsuria* is directed to a device for inserting content (such as an advertisement) during the delay caused by a subscriber changing channels. It is unclear as to how the teachings of *Zigmond et al.* would benefit *Tsuria* or how the signal insertion module of *Zigmond et al.* could be used by *Tsuria* without destroying the signal insertion module already present in *Tsuria*.

For at least the reasons addressed above, it is submitted that independent claim 19 is clearly patentable over the cited references. Claims 20-24 depend from independent claim 19. It

is submitted that claims 20-24 are clearly patentable over the cited references for the reasons addressed above with respect to claim 19 and for the further features recited therein.

Independent claim 25 is directed to a method used in a digital television environment for inserting a local signal during a delay period associated with the execution of a channel change command. The method includes recognizing the inherent delay period associated with the execution of a channel change command and transmitting a request for a local signal. A second delay period, which is longer than the inherent delay period, is created and the local signal is received and inserted during the second delay period.

As discussed above with respect to claim 19, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 25. For example, none of the cited references, either taken alone or in combination with one another, disclose or suggest creating a second delay period, which is longer than the inherent delay period, and inserting the local signal during the second delay period.

For at least the reasons addressed above, it is submitted that independent claim 25 is clearly patentable over the cited references. Claims 26-34 depend from independent claim 25. It is submitted that claims 26-34 are clearly patentable over the cited references for the reasons addressed above with respect to claim 25 and for the further features recited therein.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 1-18 are in condition for allowance. Accordingly, early allowance of claims 1-18 is earnestly solicited.

Should the Examiner believe that an Interview would help expedite prosecution of the application, the Examiner is requested to contact the undersigned attorney to schedule such an Interview.

Respectfully submitted,

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